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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SINGH, DALZID E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,583

Applicant(s)

THERISOD, STEFANO

Examiner

Dalzid Singh

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 11,12,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-10 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Levinson (EP 0548111B1).

Regarding claim 8, Levinson discloses a transmitter, shown in Fig. 3, comprising:

a light source (100);

a transmission driver (182) driving the light source;

a monitor (116) integrated with the transmitter that receives light from the light source and generates a power indicator corresponding to the power of the light source;
and

a controller (160) that controls the transmission driver, receives the power indicator from the monitor, receives the power measured by an external power meter (see Fig. 4), compares the power indicator from the monitor to the power measured by the external power meter, and determines the correlation between the power indicator and the power measured (see col. 12, lines 17-51).

Regarding claim 9, a memory device in communication with the controller, for storing the correlation determined by the controller (see col. 12, lines 17-51 and col. 13, lines 42-58 to col. 14, lines 1-18).

Regarding claim 10, shown in Fig. 3, Levinson shows the transmitter includes an optical transmitter.

Regarding claim 13, Levinson discloses a transmitter for transmitting a signal at an output power level, as shown in Fig. 3, the transmitter comprising:

- a coupler that receives a first measured output power level of the signal (the measured signal is coupled to the converter (170));

- a monitor that measures a second output power level of the signal (see Fig. 4);
- means for determining a correlation between the first and second measured output levels (see col. 12, lines 17-51);

- an output power controller that controls the output power level of the signal based on the correlation (controller (160) controls output power level).

Regarding claim 14, wherein the transmitter includes an optical transmitter (see Fig. 3).

Regarding claim 15, wherein the monitor is integrated into the optical transmitter (see Fig. 3).

Regarding claim 16, a memory for storing the correlation, wherein the output power controller is coupled to the memory to receive the stored correlation (see col. 12, lines 17-51 and col. 13, lines 42-58 to col. 14, lines 1-18).

Regarding claim 17, Levinson discloses system, shown in Fig. 3, comprising:

- a transmitter, comprising:
 - a light source (100);
 - a transmission driver (182) driving the light source; and
 - a monitor (116) integrated with the transmitter that receives light from the light source and generates a power indicator corresponding to the power of light source;
- a controller (160) that: controls the transmission driver, receives the power indicator from the monitor, receives the power measured by an external power meter (see Fig. 4), compares the power indicator from the monitor to the power measured by the external power meter, and determines the correlation between the power indicator and the power measured (see col. 12, lines 17-51); and a memory device in communication with the controller, for storing the correlation determined by the controller (see col. 13, lines 42-58 to col. 14, lines 1-18).

Regarding claim 18, wherein the monitor is integrated with the transmitter (see Fig. 3).

Regarding claim 19, wherein the memory device is located on a computer that is connected to the transmitter during characterization and programming (see col. 12, lines 17-51 and col. 13, lines 42-58 to col. 14, lines 1-18).

Regarding claim 20, wherein the controller is located on a computer that is connected to the transmitter during characterization and programming (see col. 12,

lines 17-51 and col. 13, lines 42-58 to col. 14, lines 1-18).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levinson (EP 0548111B1).

Regarding claim 1, Levinson discloses a method for operating a transmitter to transmit a signal at an output power level, as shown in Figs. 3 and 4, comprising:

coupling to an external power meter to receive a first measured output power level of the transmitter (see Fig. 4);

measuring a second measured output power level of the transmitter with an integrated monitor (see Fig. 3);

determining a correlation between the first and second measured output power level (see col. 12, lines 17-51);

storing the correlation in memory (see col. 13, lines 42-58 to col. 14, lines 1-18).

Levinson discloses the use of external meter and differs from the claimed invention in that Levinson does not disclose decoupling from the external power meter. The external meter is utilized for system calibration, therefore it would have been

obvious to an artisan of ordinary skill in the art to decouple the external meter after calibration in order to perform normal operation of data communication.

Regarding claim 2, determining the output power of the transmitter, based on the correlation (the controller (160) determines output power of the transmitter based on correlation).

Regarding claim 3, changing the temperature of the transmitter (thermoelectric cooler changes temperature of the transmitter).

Regarding claim 4, controlling the output power of the transmitter based on the correlation (the controller (160) controls output power of the transmitter based on correlation).

Regarding claim 5, wherein the correlation is stored as a lookup table in which the power measured by the monitor is the index value, and the corresponding value is the power measured by the external meter (see col. 12, lines 17-51 and col. 13, lines 42-58 to col. 14, lines 1-18).

Regarding claim 6, wherein the memory is integrated with the transmitter (it would have been obvious to an artisan of ordinary skill in the art to integrate the memory with the transmitter).

Regarding claim 7, wherein the memory is external to the transmitter (it would have been obvious to an artisan of ordinary skill in the art to provide the memory external to the transmitter).

Allowable Subject Matter

5. Claims 11, 12, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tahara et al (US Patent No. 5,548,435) is cited to show optical transmitter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS
September 15, 2006

David Singh